UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,291	10/16/2003	Michael John Branson	ROC920030263US1	8981

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EXAMINER
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ART UNIT	PAPER NUMBER
2173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/687,291	BRANSON ET AL.
	Examiner	Art Unit	
	HAOSHIAN SHIH	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 December 2011</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____ ; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) <u>1-6 and 8-20</u> is/are pending in the application.

     5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) <u>1-6, 8-20</u> is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 03-11)   **Office Action Summary**   Part of Paper No./Mail Date 20111207

DETAILED ACTION

1.   Claims 1- 6 and 8-20 are pending in this application and have been examined in response to application response filed on 12/02/2011.

2.   Effective 1.131 date is prior to 06/04/2003.

3.   The declaration filed on under 37 CFR 1.131 is sufficient to overcome the Gegner reference.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6.   As to claim 6, an "apparatus" is being recited; however, it appears that the apparatus would reasonable be interpreted by one of ordinary skill in the art as software per se. After the word apparatus are means plus function statements that do not provide any hardware information that regards the apparatus. Applicant's specification provides no explicit definition of the means, and it appears that such would reasonable be interpreted the means as representative of the software which causes the functions to occur.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Stefik et al. (Stefik, US 4,974,173) in view of Ishida (US 5,684,969).

9.   As to **INDEPENDENT** claim 1, Stefik discloses a method comprising: selecting a

subset of a plurality of data objects wherein the plurality of data objects are displayed in

a main view (fig. 1; col.6, l. 2-21, l. 47-50; a subset of the full scale representation "26" is

displayed in a small scale representation "28");

copying the subset to a peek view (col.6, l. 18-25; a copy of the subset data

objects are displayable in the small scale representation); and

replacing the first plurality of data objects in the main view with a second plurality

of data objects, wherein the second plurality of data objects are different from the first

plurality of data objects (fig.1; the main view "26" is replaced by another main view "36").

Stefik does not specifically disclose [the selection is] based on a respective importance

of each of the plurality of respective data objects.

In the same field of endeavor, Ishida discloses [the selection is] based on a respective importance of each of the plurality of respective data objects (col.4, l. 6-8, l. 30-33; the data objects are displayed based on the display area and the significance factor of the data objects).

It would have been obvious to one of ordinary skill in the art, having the teaching of Stefik and Ishida before him at the time the invention was made, to modify the small scale workspace representation taught by Stefik to include the scalable display area taught by Ishida with the motivation being to assist the user in quickly understand the data objects in a diminishing display (Ishida, col.13, l. 20-25).

10.   As to claim 3, Stefik and Ishida disclose wherein the selecting further comprises: selecting the subset based on a size of the peek view (Ishida, fig.7d, 7e, 7f).

11.   As to claim 4, Stefik and Ishida disclose receiving an update to the plurality of data objects; and modifying the subset in the peek view based on the update (Stefik, col.4, l. 56-60; the peek view is modified to indicate a change).

12.   As to claim 5, Stefik and Ishida disclose re-selecting the subset based on a change to the importance, wherein the receiving further receives the change to the importance (Ishida, col.4, l. 5-19; the significance factor is updated based on user actions).

13.   Claims 2, 6, and 8-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stefik in view of Ishida and in further view of DaCosta et al.

(DaCosta, US 6,826,553 B1).

14.   As to claim 2, Stefik and Ishida do not specifically disclose wherein the selecting

is in response to a pull command at the peek view.

In the same field of endeavor, DaCosta discloses a pull command (col. 17, l. 45-50).

It would have been obvious to one of ordinary skill in the art, having the teaching of

Stefik and Ishida and the teaching of DaCosta before him at the time the invention was

made, to modify the scaled workspace interface taught by Stefik and Ishida to include

source pulling taught by DaCosta with the motivation being to customize the contents of

the scaled workspace.

15.   As to **INDEPENDENT** claim 6, Stefik discloses an apparatus comprising: means

for receiving a plurality of data objects(fig. 1; col.6, l. 2-21, l. 47-50; a subset of the full

scale representation "26" is displayed in a small scale representation "28");

        means for selecting a subset of the plurality of data objects and based on a peek

view

means for copying the subset from a main view in the peek view (col.6, l. 18-25;

a copy of the subset data objects are displayable in the small scale representation); and

means for replacing the first plurality of data objects in the main view with a second

plurality of data objects, wherein the second plurality of data objects are different from

the first plurality of data objects . (fig.1; the main view "26" is replaced by another main

view "36"). Stefik does not specifically disclose receiving and selecting the data objects

based on importance tags; and the selecting is in response to a pull command at the

peek view.

In the same field of endeavor, Ishida discloses receiving and selecting the data objects

based on importance tags (col.4, l. 6-8, l. 30-33; the data objects are displayed based

on the display area and the significance factor of the data objects).

It would have been obvious to one of ordinary skill in the art, having the teaching of

Stefik and Ishida before him at the time the invention was made, to modify the small

scale workspace representation taught by Stefik to include the scalable display area

taught by Ishida with the motivation being to assist the user in quickly understand the

data objects in a diminishing display (Ishida, col.13, l. 20-25). Stefik and Ishida do not

specifically disclose the selecting is in response to a pull command at the peek view.

In the same field of endeavor, DaCosta discloses a pull command (col. 17, l. 45-50).

It would have been obvious to one of ordinary skill in the art, having the teaching of

Stefik and Ishida and the teaching of DaCosta before him at the time the invention was

made, to modify the scaled workspace interface taught by Stefik and Ishida to include

source pulling taught by DaCosta with the motivation being to customize the contents of

the scaled workspace.

16.   As to claim 8, Stefik, Ishida and DaCosta disclose wherein the means for

selecting based on the peek view is further based on a size of the peek view (Ishida,

fig.7d, 7e, 7f).

17.   As to claim 9, Stefik, Ishida and DaCosta disclose means for copying the subset

from the peek view to the main view in response to a push command associated with

the peek view (Stefik, col.7, l. 13-17).

18.   As to claim 10, Stefik, Ishida and DaCosta disclose means for receiving an

update to the first plurality of data object; and means for modifying the subset in the

peek view based on the update (Stefik, col.4, l. 56-60; the peek view is modified to

indicate a change).

19.   As to **INDEPENDENT** claim 11, see rationale addressed in the rejection of claim

6 above.

20.   As to claim 12, Stefik, Ishida and DaCosta disclose wherein the selecting further comprises: selecting the subset based on a plurality of importance tags associated with the respective plurality of respective data objects, wherein the respective importance tags specify a ranking of the plurality of respective data objects (Ishida, col.4, l. 5-10).

21.   As to claim 13, Stefik, Ishida and DaCosta disclose wherein the selecting further comprises: selecting the subset based on the plurality of importance tags and a size of the peek view (Ishida, col.5, l. 10-30; the data objects are displayed based on their significance and the displayable area).

22.   As to claim 14, see rationale addressed in the rejection of claim 10 above.

23.   As to claim 15, Stefik, Ishida and DaCosta disclose modifying the plurality of data objects in the main view based on the update (Stefik, col.4, l. 38-43; data objects are updated in the full scale representation).

24.   As to **INDEPENDENT** claim 16, see rationale addressed in the rejection of claims 6 and 10 above.

25.   As to claim 17, see rationale addressed in the rejection of claim 12 above.

26.   As to claim 18, Stefik, Ishida and DaCosta disclose wherein the selecting further comprises: selecting the subset based on the plurality of importance tags and a size of the peek view (Ishida, col.4, l. 6-8, l. 30-33; the data objects are displayed based on the display area and the significance factor of the data objects).

27.   As to claim 19, Stefik, Ishida and DaCosta disclose wherein the instructions further comprise: copying the subset back to the main view in response to a push command from the peek view (Stefik, col. 7, l. 13-17).

28.   As to claim 20, Stefik, Ishida and DaCosta disclose wherein the instructions further comprise: sorting data in the subset in the peek view based a sort rule associated with the data (Ishida, col. 5, l. 20-23).

Response to Arguments

29.   Applicant's arguments, filed 12/02/2011, with respect to the rejection(s) of claim(s) 1-6, and 8-20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Stefik et al. (Stefik, US 4,974,173), Ishida (US 5,684,969) and DaCosta et al. (DaCosta, US 6,826,553 B1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Haoshian Shih/

Patent Examiner